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SLO LAFCO - Serving the Area of San Luis Obispo County

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TO: MEMBERS OF THE COMMISSION

**FROM: ROB FITZROY, EXECUTIVE OFFICER
IMELDA MARQUEZ, ANALYST**

DATE: MAY 19, 2022

**SUBJECT: LAFCO FILE 1-R-22: ANNEXATION #12 TO COUNTY SERVICE AREA
18 (WINDMILL WAY)**

RECOMMENDATION

It is recommended that the Commission consider the following actions.

Action 1: Acting as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA), find by motion, that the Mitigated Negative Declaration (MND) adopted by the County of San Luis Obispo was reviewed, considered and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed annexation.

Action 2: Approve, by motion, to waive protest proceedings pursuant to Government Code §56662(a).

Action 3: Approve, by resolution, the proposed Annexation to County Service Area (CSA) 18 as contained in Attachment A with the following conditions:

1. The applicant shall comply with all terms and conditions stated in the County of San Luis Obispo Public Works Department Conditional Intent to Serve Letter for SUB2018-00015/CO18-0029 dated March 17, 2022, prior to CSA 18 providing wastewater service to the property.
2. Prior to filing the Certificate of Completion with the Clerk Recorder and the State Board of Equalization, the applicant shall submit to LAFCO final acreage of areas disturbance and documentation that demonstrates compliance with LAFCO's 1:1 preservation policy (Policy 12) to offset the estimated 1.51-acres of prime soils on-site that would be converted to non-agricultural uses. (Mitigation acreage is subject to change based on

final areas of disturbance, of which must be provided to LAFCO to ensure compliance with Policy 12 is satisfied on a 1:1 ratio)

3. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

PROJECT OVERVIEW

Project Applicant: Landowner Petition of Application by Rancho San Luisito LLC

Certificate of Filing: Issued on May 6, 2022

Acreage and General Location: The 7.13-acre property is located within the unincorporated area of San Luis Obispo located northeast of CSA 18 Country Club as seen in Attachment F.

APNs: 044-082-035

Uninhabited Annexation: The area proposed for annexation is legally uninhabited per the definition of the Cortese, Knox Hertzberg Act (CKH) meaning it has less than 12 registered voters. The proposal includes 100% landowner consent, and the landowner has provided a written letter of consent that waives the protest process.

Timeline: In February 2020, an initial study and notice of determination were prepared by the County San Luis Obispo as Lead Agency.

On June 12, 2020, the applicant received a Notice of Final County Action for Parcel Map SUB2018-00015 from the San Luis Obispo County Subdivision Review Board.

On February 20, 2022, the landowner applied to LAFCO through a resolution of application to annex property into CSA 18.

On March 17, 2022, the County Public Works Department issued a Conditional Intent to Provide Wastewater Service Letter for SUB2018-00015/CO18-0029.

Additionally, on March 17, 2022, within the 30-day response requirement period, staff provided the applicant with an information hold letter describing the items needed to continue processing the application.

On March 28, 2022, the applicant provided their initial response to the information requested by LAFCO.

On May 3, 2022, the County Board of Supervisors commenced and approved a \$0 exchange of property tax revenue to be transferred between the County of San Luis Obispo and CSA No. 18.

On May 6, 2022, the application met submission requirements and allowed staff to issue a Certificate of Filing.

Public Notification: Notice was mailed to property owners and registered voters within 300 feet of the proposed annexation area. Mailing was sent out at least 21 days in advance of the hearing. In addition, an advertisement was placed in the Tribune on April 28, 2022, 21 days in advance of today's hearing. Notice has been sent to the applicants, the County, applicable agencies, and other interested parties.

Summary: The Windmill Way annexation is within the CSA 18's Sphere of Influence (SOI). The annexation would enable the applicants to receive wastewater service from CSA 18 to meet wastewater needs associated with the proposed residential development. The Residential Suburban zoned property was approved by the County of San Luis Obispo to be subdivided into 4 lots ranging in size from 1.2 to 1.6-acres each, with a 1.2-acre remainder parcel. The 4 parcels being developed with a single-family home could have a secondary dwelling (eight new dwellings total) as allowed within the Residential Suburban land use category. Accessory dwelling units (ADU) are not proposed at this time, though they could be constructed in the future. The 1.2-acre remainder parcel has no proposed plans and will serve as a buffer from highway 227.

CSA 18 provides wastewater treatment and disposal for the San Luis Obispo Country Club area. The CSA is a single-purpose agency authorized to provide wastewater service to the Country Club Estates area which is subject to septic tank failures due to impervious soils. Similarly, the Windmill Way annexation to CSA 18 is necessary due to septic unsuitability in the area and set forth as condition #15 of the San Luis Obispo County Subdivision Review Board's notice of final action for project SUB2018-00015 (Attachment E). The County of San Luis Obispo Public Works Department operates the plant and issued a letter March 17, 2022, which stated its conditional intent to provide wastewater service to the Windmill Way properties.

ACTION 1 | ENVIRONMENTAL DETERMINATION

The County, Lead Agency, has prepared a MND referred to as Braff Parcel Map; SUB2018-00015/CO18-0029 (Attachment C). Per the requirements of CEQA, a Responsible Agency relies on the Lead Agencies environmental documentation to approve the portion of the project under its jurisdiction. LAFCO acting as a Responsible Agency will rely upon the MND for compliance with CEQA with the respect to the annexation component of the project. Staff has determined that the MND is adequate for the proposed annexation action before LAFCO.

The MND includes a discussion of the impacts associated with the development in the annexation areas. In summary, mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to aesthetics, air quality, biological resources, cultural resources, and transportation and circulation. The applicant has agreed to incorporate the measures, outlined in Attachment C, into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based.

ACTION 2 | ANNEXATION

LAFCO Factors Government Code 56668: Government Code Section 56668 identifies a number of factors that must be considered by LAFCO in reviewing a proposal for annexation. A select number of the key applicable factors for the project are discussed in the body of this staff report for the Commission’s consideration. All other remaining factors are addressed in detail in Attachment B of this staff report and summarized in the table below.

• Population and Land Use	• Need for Services	• Impact on Adjacent Areas
• Commission Policies	• Agricultural Lands	• Definite Boundaries
• Consistency with General Plans and Reg. Trans. Plan	• Sphere of Influence	• Other Agency Comments
• Ability to provide services	• Availability of water supplies	• Housing
• Comments from landowner, voters or residents	• Existing information about existing land use	• Environmental Justice

Ability to provide Wastewater Services/ Plan for Service: The single-purpose agency authorized to provide wastewater service, CSA 18, is capable of providing service to the property within the annexation area. This is documented in the County’s Plan for Services and Conditional Intent to Serve Letter dated March 17, 2022, in Attachment D. Currently, there is no existing sanitary sewer infrastructure on the project site. The applicant will need to design and construct all wastewater collection lines, manholes, and anything else needed to connect to existing wastewater collection system.

The cost of all services for the subject annexation will be paid by the applicant in accordance with CSA 18's existing fee structure and per the terms and conditions of the Engineering Reimbursement Agreement dated May 7, 2021. All costs associated with the design, inspection, plan check and review and construction inspection by CSA 18 staff will be paid by the applicant. Any and all costs associated with provision of wastewater services by CSA 18 after completion and connection of the subject properties to the CSA 18 wastewater system will be paid by the applicant and/or future owners of said properties, and shall include system buy in fees, and all applicable connection fees for each lot that shall be paid in full prior to provision of wastewater service.

Capacity. An engineering analysis report for the proposed annexation of the Windmill Way lots (SUB2018-00015/CO18-0029 /4-Lot Subdivision) into CSA 18 was conducted to evaluate its ability to accept additional flows from the subdivision. County staff have advised that the maximum number of Dwelling Unit Equivalent (DUEs) served by the existing treatment plant is 502. The proposed development would add 4 DUEs bringing the current 471.5 up to 475.5, which would remain under the treatment plants maximum of 502. If 4 ADU's were to be considered in the future the project total of DUEs would increase to 479.5, which would still remain under the maximum of 502; insofar as additional homes have not been constructed such that the 502 limit has been reached.

The proposed subdivision would tie into an existing gravity sewer upstream of Lift Station #4 that has a capacity of 30 DUEs. Lift station #4 currently serves 17 and the project proposes an addition of 4 DUEs, which brings the total to 21 and would remain under the maximum of 30. If 4 ADU's were to be considered in the future the total for lift station #4 would increase to 25, which would remain under the maximum of 30; insofar as additional homes have not been constructed such that the 30 limit has been reached.

It was concluded that the proposed project satisfies the County's requirements for treatment system capacity without the need for modifications to the treatment plant or Lift Station #4 (nearest to the project site).

Agriculture/Open Space: The annexation promotes the development of lands proximate to CSA 18 as the area is currently zoned Residential Suburban and already surrounded by residential parcels to the north, south and west. The parent parcel is just over seven acres and is not of a size that is conducive to commercial agricultural uses and has not been historically used for agricultural operations. However, based on the USDA Natural Resources Conservation Service and Monitoring Program it was found that the entire project site has Class III soils and Class II if irrigated. The site contains prime soils if irrigated and currently contains a barn and intermittently some sheep and goats. Regulations under the CKH Act, government code section 56064, requires that if any soils on site are Class I or II with or without irrigation they are considered "prime agriculture farmland" and therefore must be mitigated per LAFCO policy.

The project would convert approximately 1.51-acres of prime soils to non-agricultural uses as seen in the second map of Attachment F. The final areas of disturbance are to be determined but will be confirmed by LAFCO staff to ensure the appropriate acreage is offset and consistent with Policy 12. The requirements of LAFCO Policy 12 require 1:1 mitigation for the loss of prime soils, the project would pursue one or multiple of the following measures:

- a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.*
- b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.*
- c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.*

A condition of approval is proposed to ensure mitigation for loss of prime soils is met before the Certificate of Completion is filed.

Public Comments: Prior to the release of the staff report LAFCO received one public comment from a concerned resident. Their transcribed voicemail is included in Attachment G and in summary their concerns related to traffic and the extension of Windmill Way. As concluded in the MND, the proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project. Project traffic impacts to Highway 227, an arterial road, will be addressed through mitigation measures and conditions of approval addressing future road improvements through payment of an in-lieu fee.

Agency Comments: The Air Pollution Control District (APCD) responded to LAFCO's referral, by submitting the letter they wrote to the County during the environmental review process, dated April 18, 2018. In summary, APCD did an analysis of the project and concluded that they would not require other construction phase mitigation measures for this project besides the following: Construction Phase Emissions, Natural Occurring Asbestos, Demolition/Asbestos, Developmental Burning, Dust Control Measures, Construction Permit Requirements, and Operational Phase Emissions. APCD's concerns were addressed and included as Conditions of Approval No. 26 through 28 in the County's Subdivision Review Board's notice of final action for project SUB2018-00015 (Attachment E). No additional comments were received from public agencies.

STAFF RECOMMENDATION

At the conclusion of its consideration, the Commission may approve the request, with or without amendment, wholly, partially, or conditionally, or disapprove the request. The Commission has discretion in light of the whole record to make its decision.

If approved, Annexation of APN: 044-082-035 into CSA 18 will become effective upon filing the Certificate of Completion with the Clerk Recorder pursuant to Government Code §56020.5. The CKH Act (GC 57001) allows up to one year for a Certificate of Completion to be filed with the Clerk Recorder, otherwise the action is deemed abandoned. LAFCO may grant extensions based on a reasonable request by the applicant. The time frame for an extension is at LAFCO's discretion based on the circumstances of the proposal.

If your Commission moves to approve the Annexation, Staff recommends that one roll call vote be taken for each of the following actions:

Action 1:

Acting as the Responsible Agency pursuant to the CEQA, find by motion, that the MND adopted by the County of San Luis Obispo was reviewed, considered and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed annexation.

Action 2:

Approve, by motion, to waive protest proceedings pursuant to Government Code §56662(a).

Action 3:

Approve, by resolution, the proposed Annexation to County Service Area (CSA) 18 as contained in Attachment A with the following conditions:

1. The applicant shall comply with all terms and conditions stated in the County of San Luis Obispo Public Works Department Conditional Intent to Serve Letter for SUB2018-00015/CO18-0029 dated March 17, 2022, prior to CSA 18 providing wastewater service to the property.
2. Prior to filing the Certificate of Completion with the Clerk Recorder and the State Board of Equalization, the applicant shall submit to LAFCO final acreage of areas disturbance and documentation that demonstrates compliance with LAFCO's 1:1 preservation policy (Policy 12) to offset the estimated 1.51-acres of prime soils on-site that would be converted to non-agricultural uses. (Mitigation acreage is subject to change based on final areas of disturbance, of which must be provided to LAFCO to ensure compliance with Policy 12 is satisfied on a 1:1 ratio)
3. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim,

action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

Attachment A: Draft LAFCO Resolution Approving the Annexation

Exhibit A: Map and Legal Description

Attachment B: LAFCO Legislative Factors-Government Code Section 56668

Attachment C: Notice of Determination/Initial Study/Mitigated Negative Declarations (Available Online)

Attachment D: Plan for Services

Attachment E: County Notice of Final Action Letter for Parcel Map SUB2018-00015

Attachment F: Vicinity Maps

Attachment G: Public Comment

Attachment A

Draft LAFCO Resolution Approving the Annexation

IN THE LOCAL AGENCY FORMATION COMMISSION
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, May 19, 2022

RESOLUTION NO. 2022-XX

**RESOLUTION APPROVING ANNEXATION NO. 12 TO COUNTY SERVICE AREA 18
(WINDMILL WAY)**

The following resolution is now offered and read:

WHEREAS, proposal proceedings were initiated by the landowner through a petition of application to annex 7.13 acres to the County Service Area No. 18; and

WHEREAS, the application was submitted to the San Luis Obispo Local Agency Formation Commission and the application for said proposed annexation was accepted for filing by the Executive Officer on May 6, 2022, and set for hearing on the 19th day of May 2022, at the hour of 9:00 a.m.; and

WHEREAS, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

WHEREAS, the matter was set for public hearing at 9:00 a.m. on May 19, 2022, and the public hearing was duly conducted and determined and a decision was made on May 19, 2022; and

WHEREAS, at said hearing this Commission heard and received all oral and written protests, objections and evidence, which were made, presented or filed, and all person's present were given the opportunity to hear and be heard in respect to any matter relating to the proposal and report; and

WHEREAS, acting as "Responsible Agency" the Commission determined that the environmental review documentation adopted by the "Lead Agency", County of San Luis Obispo, for project/entitlement name Braff Parcel Map; SUB2018-00015/CO18-0029, meets the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Commission has considered all factors required to be considered by Government Code Sections 56668 et seq. and adopts as its written statements of determinations therein, the determinations set in the Executive Officer's Staff report dated May 19, 2022, said determinations being incorporated by reference herein as though set forth in full; and

WHEREAS, the Commission duly considered the proposal and finds that the proposal to annex territory to County Service Area 18 should be approved.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct, and valid.
2. That the map and legal description approved by this Commission is attached hereto, marked as Exhibits A and B and incorporated by reference herein as though set forth in full.
3. That the Executive Officer of this Commission is authorized and directed to mail copies of this resolution in the manner provided by law.
4. That pursuant to the Cortese, Knox, Hertzberg Act the territory is uninhabited, and all landowners consented to the annexation.
5. LAFCO has not received a request from any affected local agency, for notice, hearing, or protest proceedings on the proposal. Therefore, pursuant to Cortese, Knox, Hertzberg Act Section 56662(a), LAFCO waives protest proceedings and order the annexation subject to requirements of Cortese, Knox, Hertzberg Act.
6. That Annexation No. 12 to County Service Area 18 is hereby approved with the following conditions:
 1. The applicant shall comply with all terms and conditions stated in the County of San Luis Obispo Public Works Department Conditional Intent to Serve Letter for SUB2018-00015/CO18-0029 dated March 17, 2022, prior to CSA 18 providing wastewater service to the property.
 2. Prior to filing the Certificate of Completion with the Clerk Recorder and the State Board of Equalization, the applicant shall submit to LAFCO final acreage of areas disturbance and documentation that demonstrates compliance with LAFCO's 1:1 preservation policy (Policy 12) to offset the estimated 1.51-acres of prime soils on-site that would be converted to non-agricultural uses. (Mitigation acreage is subject to change based on

Exhibit A: Map and Legal Description

**ANNEXATION NO. 12
TO COUNTY SERVICE AREA 18 (SLO COUNTRY CLUB)
LEGAL DESCRIPTION**

Parcel 2 of Parcel Map No. CO-94-095, in the County of San Luis Obispo, State of California according to the map recorded September 16, 1996 in Book 52, page 17 of Parcel Maps, in the Office of the County Recorder of said County, situated within the Rancho Corral de Piedra, (Township 31 South, Range 12 East of the Mount Diablo Meridian) and being more particularly described as follows:

Commencing at an angle point in the existing County Service Area 18 boundary, being the northeasterly most corner of Lot 12 of Tract 1674 "Equestrian Acres" per the map filed May 4, 1990 in Book 15 of Maps at page 74 in the Office of the County Recorder of the County of San Luis Obispo in the State of California, thence North 86°04'02" East 97.02 feet to the most southerly corner of said Parcel 2, and the **Point of Beginning**; thence along the exterior boundary of said Parcel 2 the following six courses:

Course 1: North 43°18'11" West 368.21 feet;

Course 2: Thence North 63°53'51" East 960.49 feet;

Course 3: Thence South 26°06'05" East 299.94 feet;

Course 4: Thence South 63°49'00" West 119.80 feet;

Course 5: Thence South 30°00'13" West 92.83 feet;

Course 6: Thence South 63°54'33" West 654.74 feet to the point of beginning.

Containing 7.13 acres more or less.

End of legal description



Date: 3-15-22

George Y. Marchenko, P.L.S. 6964
Windmill annexation-ldx.doc



APPROVED COUNTY SURVEYOR

By: Joseph J. Morris, Deputy

Date: 3-22-2022

San Luis Obispo County Dept. of Public Works

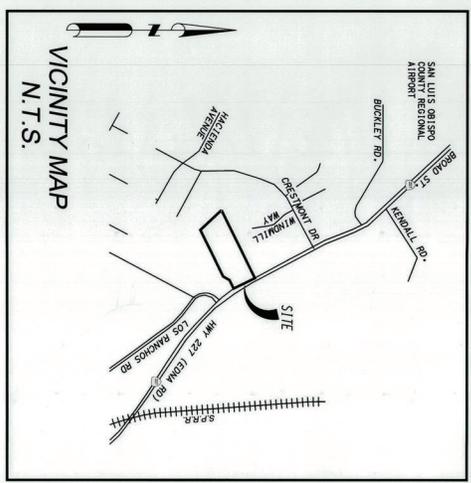
LEGEND

— AREA BEING ANNEXED

--- CURRENT CSA-18 BOUNDARY LINE

① COURSE NUMBER

● POINT OF COMMENCEMENT



APPROVED COUNTY RESOLUTION

Richard J. G. Gentry

Richard J. G. Gentry

REGISTERED LAND SURVEYOR U.S. 6984

DRAWN BY: [Signature]

DATE: 3-15-2022

STOLAFICO APPROVAL

LIBERTY AND JUSTICE UNDER GOD

NO. 6984

STATE OF CALIFORNIA



FOR REDUCED PLANS IN INCHES

ORIGINAL SCALE IS IN INCHES

0 1 2 3

PROJECT NO. 1185-0005

DRAWN BY: GJM 11/15/2021

CHECKED BY: GJM 3/9/2022

SHEET 1

OF 1 SHEETS

ANNEXATION # 12 INTO COUNTY SERVICE AREA 18 (SLO COUNTRY CLUB). SITUATED WITHIN THE RANCHO CORRAL DE PIEDRA, (TOWNSHIP 31 SOUTH, RANGE 12 EAST OF THE MOUNT DIABLO MERIDIAN) IN THE COUNTY OF SAN LUIS OBISPO, CA.

REV	DATE	BY	DESCRIPTION OF REVISIONS

WALLACE GROUP

ONE ENGINEERING

LANDSCAPE ARCHITECTURE

PLANNING

DESIGN

CONSTRUCTION

612 CLARION COURT

SAN LUIS OBISPO, CA 93401

TEL: 805.544.4298

WWW.WALLACEGROUP.COM

Attachment B

LAFCO Legislative Factors-Government Code Section 56668

Attachment B

LAFCO Proposal Review Factors - Government Code 56668

Annexation #12 to the County Service Area (CSA) 18

(Windmill Way) – LAFCO No. 1-R-22

Factor (a) Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years.

Response.

Population and Population density:

The project proposes 4 single family dwellings with an opportunity for an accessory dwelling unit for each (total of 8), approximately 19 new residents (8 unites x 2.37 persons/unit) based on California Department of Finance 2021 estimates for average household size in the County. This would result in a <1% increase in the County unincorporated population of 115,506 (DOF 2021). The SLO County 2016-2018 Resource Summary Report says that in 2018 the service area population was 881 for CSA 18. This would result in an estimated 2% increase in CSA 18's population.

Land Area and Land Use:

The Windmill Way annexation area is zoned Residential Suburban and designated as an Airport Review Area; no zoning changes are proposed.

Per Capita Assessed Valuation:

The total assessed value of the annexation area as determined by the County Assessor is \$950,000. This breaks down as \$950,000 in land value and \$0 in improvement values. The amount of property tax revenue to be transferred between the County of San Luis Obispo and CSA 18 shall be zero. This is because wastewater services provided by CSA 18 are financed by connection fees and charges and not by property taxes.

Topography, Natural Boundaries, and Drainage Basins:

The topography on the site is gently rolling hills. The site is characterized by undeveloped land, Davenport Creek runs along the southern parcel line, and an

unnamed drainage runs from north to south approximately 300-ft from the western parcel line.

Proximity to Other Populated Areas:

The Windmill Way Annexation involves 7.13-acres (creating 4 new parcels) located north of CSA 18. The annexation area is less than a mile away from the current CSA 18 boundary.

Likelihood of Significant Growth in the Area, and in Adjacent Incorporated and Unincorporated Areas, During the Next 10 Years:

Population growth resulting from the project would be minimal. Significant increases in population are not anticipated to occur in this area over the next 10 years. Although, the Windmill Way annexation would increase services. The County is prepared to provide services and has provided a plan for services and a Conditional Intent to Serve Wastewater letter from Public Works dated March 17, 2022.

Factor (b) 1) The need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; and probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.

(2)"Services," as used in this subdivision, refers to governmental services whether or not the services are services which would be provided by local agencies subject to this division, and includes the public facilities necessary to provide those services.

Response. CSA 18 is a dependent special district and single-purpose agency authorized to provide wastewater service to the Country Club Estates area which is subject to septic tank failures due to impervious soils. The Windmill Way annexation to CSA 18 is required due to septic unsuitability on site and set forth as condition #15 of the San Luis Obispo County Subdivision Review Board's notice of final action for project SUB2018-00015 (Attachment E).

The present cost and adequacy of governmental services and controls in the area is the County's responsibility. As mentioned in the County Public Works Plan for Services memo dated March 16, 2022, the cost of all services for the subject annexation will be paid by the applicant in accordance with CSA 18's existing fee structure and per the

terms and conditions of the Engineering Reimbursement Agreement dated May 7, 2021. All costs associated with the design, inspection, plan check and review and construction inspection by CSA 18 staff will be paid by the applicant. Any and all costs associated with provision of wastewater services by CSA 18 after completion and connection of the subject properties to the CSA 18 wastewater system will be paid by the applicant and/or future owners of said properties, and shall include system buy in fees, and all applicable connection fees for each lot that shall be paid in full prior to provision of wastewater service.

Service facilities will meet the additional service demand after compliance with the conditions in the Intent to Serve Letter and associated attachments.

Factor (c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county.

Response. The proposed action would allow the Windmill Way annexation proposal to be implemented upon compliance with LAFCO's & the County's conditions of approval. The area would continue to be located within the County's unincorporated area and be added to the CSA 18's service area for wastewater services only. The project site is located in an area surrounded by residential parcels and Highway 227. The new development would marginally increase the economic activity in the area given the potential for only 4 residential units which could have a secondary dwelling (eight new dwellings total) as allowed within the Residential Suburban land use category. Although service for secondary dwellings is not anticipated since the applicants request for services from CSA 18 only included four single family residential lots. The eventual impact could be a small increase of population for the CSA.

Factor (d) The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377.

Response. The Windmill Way Annexation provides for the planned, orderly and efficient development of the area. The County's General Plan, Mitigated Negative Declaration (MND), Plan for Services, and Conditional Intent to Serve Letter from the County demonstrate that the project would result in orderly and efficient development of the area and potential impacts would be mitigated accordingly.

The following are the San Luis Obispo LAFCO Policies for Special District Annexations and brief analysis of the proposal under these policies:

Policy 1. A demonstrated need exists for the required services and there is no reasonable alternative manner of providing these services.

Analysis. The annexation would be consistent with County Condition of Approval #15 from the Notice of Final Action Letter dated June 12, 2020, that the developer must comply with to obtain wastewater service from CSA 18 (Attachment E). The area is known for septic failures and no other provider can serve the future development.

Policy 2. The proposed annexation represents a logical and reasonable expansion of the district.

Analysis. The property is adjacent to CSA 18, located in an area surrounded by residential parcels and Highway 227 and poses no difficulty for the provision of wastewater services. Infrastructure will be implemented in the area as a county condition of approval; the property owners are required to design, construct, and install collector line extensions for sewer services.

Policy 3. The proposed annexation reflects the plans of the adjacent governmental agencies.

Analysis. The proposed annexation is consistent with the County's General Plan, Plan for Services and environmental documentation as demonstrated in the Staff Report and supporting documents. The County approved the development and subdivision with conditions reflecting the governmental agency's plan and authorization.

Policy 4. The proposed annexation does not represent an attempt to annex only revenue producing property.

Analysis. The parcel proposed for annexation is 7.13-acres respectively would subdivide the property into 4 parcels to include one single family home per lot as allowed within the Residential Suburban land use category. The properties will not generate revenue for CSA 18 except for fees to offset wastewater services provided.

Policy 5. The proposed boundaries must be definite and certain and conform to lines of assessment whenever possible.

Analysis. The boundaries for the annexation are definite and certain and will adhere to assessor parcel lines; APN: 044-082-035. The Windmill Way annexation is detailed in the map and legal description. The annexation

map has been approved by the County Surveyor as seen in Exhibit A of Attachment A in the staff report.

Policy 6. The district has the capability of meeting the need for services and has submitted studies and information documenting its capabilities.

Analysis. The County Public Works Department operates the plant and has demonstrated its ability to serve the area after compliance with the conditions in the Intent to Serve Letter, Plan for Services, and associated attachments (Attachment D of the Staff Report). The project is consistent with the County General Plan and service facilities will meet the additional service demand.

Government Code Section 56377 states:

56377. In reviewing and approving or disapproving proposals which could reasonably be expected to include, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

(a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

(b) Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing sphere of influence or the local agency.

Analysis. The Windmill Way annexation is not subject to a Williamson Act Contract. The annexation promotes the development of lands proximate to CSA 18 as the area is currently zoned Residential Suburban and already surrounded by residential parcels. The parent parcel is just over seven acres and is not of a size that is conducive to commercial agricultural uses and has not been historically used for agricultural operations. However, based on the California Department of Conservation Farmland Mapping and Monitoring Program it was found that the entire project site has Class III soils and Class II if irrigated. The site contains Prime Farmland if irrigated and currently contains a barn and intermittently some sheep

and goats. Regulations under Cortese-Knox-Hertzberg Act, government code section 56064, requires that if any soils on site are Class I or II with or without irrigation they are considered “prime agriculture farmland”. In such a case, any permanent conversion of “prime agriculture farmland” per the definition of CKH requires mitigation on a 1:1 basis per LAFCO policy 12 (a). Additional analysis was provided in the Staff Report.

A condition of approval is proposed for the Windmill Way annexation to mitigate impacts on prime agriculture land. The proposed condition is as follows:

“Prior to filing the Certificate of Completion with the Clerk Recorder and the State Board of Equalization, the applicant shall submit to LAFCO final acreage of areas disturbance and documentation that demonstrates compliance with LAFCO’s 1:1 preservation policy (Policy 12) to offset the estimated 1.51-acres of prime soils on-site that would be converted to non-agricultural uses. (Mitigation acreage is subject to change based on final areas of disturbance, of which must be provided to LAFCO to ensure compliance with Policy 12 is satisfied on a 1:1 ratio)”

Factor (e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Section 56016.

Response. The area includes one parcel, under one ownership. The area is unincorporated and has seen no development under residential suburban zoning, currently consisting of a barn and intermittently some sheep and goats. Although the project has guided development towards prime agriculture soils, if irrigated, the proposal is consistent with the County’s General Plan and the County’s Land Use Ordinance as the lot is currently zoned for Residential Suburban. LAFCO will require a Condition of Approval to mitigate the prime agricultural land that would be converted to non-agricultural as discussed above.

Factor (f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries.

Response. The annexation boundary follows lines of assessment and does not create island or corridor of unincorporated territory as the property will remain within unincorporated county.

Factor (g) A regional transportation plan adopted pursuant to Section 65080.

Response. The 2015 SLOCOG SR 227 Operations Study determined that the intersection nearest to the project site (Crestmont Drive) meets AM peak hour warrants only and operate at unacceptable levels during PM peak hours. The surrounding intersections of SR 227/Farmhouse Road and SR 227/Buckley Road are projected to operate at unacceptable levels under interim (2025) and future year (2035) conditions. It was also determined that, under current conditions, all SR 227 segments evaluated in the study fail in either one or both peak hour periods (AM/PM) and are projected to degrade under future year (2035) conditions. Any addition of traffic to cumulative conditions as a result of the project would result in roadway impacts.

The County adopted a Highway 227 Corridor Road Improvement Fee program that collects fees to fund anticipated road improvements along the highway 227 corridor. The Windmill Way annexation project will be required to mitigate its impacts through one of three ways to cooperate in its “fair share” of these improvements prior to issuance of building permits as part of mitigation measures and condition of approval No. 23 in the County’s Subdivision Review Board's notice of final action for project SUB2018-00015 (Attachment E).

Factor (h) The proposal's consistency with city or county general and specific plans.

Response. The annexation is consistent with the County’s General Plan and approved MND for the Windmill Way annexation area. The project would also be conditioned to be consistent with standards set forth by County Fire/CAL FIRE, Environmental Health, and the Department of Public Works.

Factor (i) The Sphere of Influence of any local agency that may be applicable to the proposal being reviewed.

Response. A Sphere of Influence (SOI) means a plan for the probable physical boundaries and service area of a local agency, as determined by the commission. The Windmill Way area is currently in CSA 18’s SOI and is now wishing to annex into the CSA’s service area. The proposal does not conflict with the Sphere of Influence of any other jurisdiction.

Factor (j) The comments of any affected local agency or other public agency.

Response. Air Pollution Control District (APCD) responded to LAFCO's referral, by submitting the letter they wrote to the County during the environmental review process, dated April 18, 2018. In summary, APCD did an analysis of the project and concluded that they would not require other construction phase mitigation measures for this project besides the following: Construction Phase Emissions, Natural Occurring Asbestos, Demolition/Asbestos, Developmental Burning, Dust Control Measures, Construction Permit Requirements, and Operational Phase Emissions. APCD's concerns were addressed and included as Conditions of Approval No. 26 through 28 in the County's Subdivision Review Board's notice of final action for project SUB2018-00015 (Attachment E). No additional comments were received from public agencies.

Factor (k) **The ability of the newly formed or receiving entity to provide the services that are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

Response. CSA 18 is willing and able to provide the requested services to the property within the annexation area, subject to the terms and conditions of any and all annexation agreements, Engineering Reimbursement Agreement, and Conditional Intent to Serve Wastewater Letter dated March 16, 2022. This is also documented in the County Department of Public Works' Plan for Services document included as Attachment D. The cost of all services for the subject annexation will be paid by the applicant in accordance with CSA 18's existing fee structure and per the terms and conditions of the above referenced Engineering Reimbursement Agreement dated May 7, 2021. All costs associated with the design, inspection, plan check and review and construction inspection by CSA 18 staff will be paid by the applicant. Any and all costs associated with provision of wastewater services by CSA 18 after completion and connection of the subject properties to the CSA 18 wastewater system will be paid by the applicant and/or future owners of said properties, and shall include system buy in fees, and all applicable connection fees for each lot that shall be paid in full prior to provision of wastewater service.

Factor (l) **Timely availability of water supplies adequate for projected needs as specified in Section 65352.5.**

Response. CSA 18 is a single-purpose agency authorized to provide sewer service only. The Windmill Way annexation area's water supply will be provided by Golden State Water Company which uses groundwater sources underlying the Edna Valley. The Water Company issued a will-serve letter

to the landowner, dated March 28, 2018, found in the MND, to provide domestic and fire protection water service to the proposed four (4) single family residential lots.

Factor (m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7.

Response. The 4 parcels will remain in the county and contribute to meeting housing demand. The project application includes a Parcel Map SUB2018-00015 to allow four (4) single family residential lots within a Residential Suburban zoned area, consistent with Section 22.22.150 of the County Land Use Ordinance. As mentioned in the MND and the County's Subdivision Review Board's notice of final action for project SUB2018-00015 Condition of Approval #21 (Attachment E), the project will mitigate its cumulative impact to the shortage of affordable housing stock by payment of the housing impact fee.

Factor (n) Any information or comments from the landowner or landowners, voters, or residents of the affected territory.

Response. Prior to the release of the staff report LAFCO received one public comment from a concerned resident and landowner of property within 300ft of the Windmill Way Annexation. Their transcribed voicemail is included in Attachment G and in summary their concerns related to traffic and the extension of Windmill Way. As concluded in the MND, the proposed project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project. Project traffic impacts to Highway 227, an arterial road, will be addressed through mitigation measures and conditions of approval addressing future road improvements through payment of an in-lieu fee.

Factor (o) Any information relating to existing land use designations.

Response. The Windmill Way annexation site is located in an area surrounded by residential parcels and Highway 227. The project site is zoned as Residential Suburban by the County of San Luis Obispo and no zoning changes are proposed. The additional parcels created will remain in the Residential Suburban land use category to match the surrounding area.

Factor (p) The extent to which the proposal will promote environmental justice. As used in this subdivision, "environmental justice" means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the location of public facilities and the provision of public services, to ensure a healthy environment for all people such that the effects of pollution are not disproportionately borne by any particular populations or communities.

Response. This is a residential proposal, and the homes would eventually be on the open market and available to people of all races, cultures and incomes. With regard to the location of public facilities and the provision of public services, this project does not affect the fair treatment of people of all races, cultures and incomes. Facilities (pipelines and other infrastructure) associated with development will be located within public roadways or on the site.

Factor (q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if it is determined that such information is relevant to the area that is the subject of the proposal. (Amended by Stats. 2019, Ch. 360)

Response. According to CAL FIRE's Fire Hazard Severity Zones maps, the project would be located within a Local Responsibility Area and would be considered a non-very high fire hazard severity zone; predictions are based on factors including fuel availability, topography, fire history, and climate. The MND considered the severity area to be high with a CalFire response time of 0 to 5 minutes. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the public facility fees in place.

The project will comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed. In addition, the County's Subdivision Review Board's notice of final action for project SUB2018-00015 Condition of Approval #19 states that "The applicant shall obtain a fire safety clearance letter from the County Fire/CalFire establishing fire safety requirements prior to filing the final parcel map." (Attachment E).

Attachment C

Notice of Determination/Initial Study/Mitigated Negative Declarations

Braff Parcel Map; SUB2018-00015/CO18-0029 Mitigated Negative Declaration. Due to file size, we have provided a link to the document below:

[SUB2018-00015 / CO18-0029 Braff, Parcel Map \(ED19-267\) \(ca.gov\)](#)

Attachment D

Plan for Services



To: Rob Fitzroy, Executive Officer, Local Agency Formation Commission
From: Laura Holder, Utilities Division Program Manager
Date: March 16, 2022
Subject: Plan for Services, Annexation No. 12 to County Service Area No. 18
(Windmill Way)

EMAIL ONLY

The following information is provided for the subject annexation and in accordance with Government Code Sections 56824.12 and 56653.

Description of Services

The applicants for the subject annexation have requested wastewater service for four (4) single family residential lots from County Service Area No. 18 (CSA 18). CSA 18 is willing and able to provide the requested services, subject to the terms and conditions of any and all annexation agreements, Engineering Reimbursement Agreement, and Conditional Intent to Serve Wastewater Letter dated March 16, 2022.

Services requested will be available to the properties in question upon completion of the annexation process and compliance with the terms and conditions of the aforementioned documents. In addition, prior to receiving the requested wastewater service, the Applicant shall comply with all of the terms and conditions detailed in the Conditional Intent to Serve Wastewater letter. It will be necessary for the applicant to design and construct all wastewater collection lines, manholes, and other appurtenances needed to connect to the existing wastewater collection system.

All necessary improvements will be subject to review, inspection, and approval by CSA 18 prior to finalization of plans and/or actual construction.

Financing Plan for the Annexation Boundaries

The cost of all services for the subject annexation will be paid by the applicant in accordance with CSA 18's existing fee structure and per the terms and conditions of the above referenced Engineering Reimbursement Agreement dated May 7, 2021. All costs associated with the design, inspection, plan check and review and construction inspection by CSA 18 staff will be paid by the applicant.

Any and all costs associated with provision of wastewater services by CSA 18 after completion and connection of the subject properties to the CSA 18 wastewater system will be paid by the applicant and/or future owners of said properties, and shall include system buy in fees, and all applicable connection fees for each lot that shall be paid in full prior to provision of wastewater service.

If you have any questions regarding the above, please feel free to call me at (805) 781-5135.

- c: Rob Fitzroy, rfitzroy@slolafco.com
- Imelda Marquez, IMarquez@slolafco.com
- John Diodati, jdiodati@co.slo.ca.us
- Kate Ballantyne, kballantyne@co.slo.ca.us
- Nola Engelskirger, nengelskirger@co.slo.ca.us
- Kati Franco, kfranco@co.slo.ca.us
- John Austin, jaustin@co.slo.ca.us



March 17, 2022

EMAIL ONLY

Charles Braff
chuck@bowtieholdings.com

Subject: County Service Area No. 18; Conditional Intent to Provide Wastewater Service Letter for SUB2018-00015/CO18-0029

Dear Mr. Braff:

This letter outlines general conditions under which County Service Area, No. 18 (CSA 18) would provide wastewater service to the proposed Tentative Map Co. 18-0029 subject to approval by San Luis Obispo Local Agency Formation Commission (LAFCo) resulting in annexation and sphere of influence amendment of Tentative Map Co. 18-0029 to CSA 18. This conditional will-serve letter represents a staff-level position that wastewater service from CSA 18 to Tentative Map Co. 18-0029 is feasible, subject to certain terms and conditions, which are generally outlined herein. The letter is based upon the fact that 4 lots would ultimately be served, and the conditions are based on the system's current operations and capacity and are subject to change until approved by LAFCo.

1. As the subject lots have been determined to be outside of the CSA 18 District boundaries, the project must obtain approval by LAFCo resulting in annexation and sphere of influence amendment of Tentative Map Co. 18-0029 to CSA 18.
2. The Applicant must provide the CSA 18 District with written correspondence from the San Luis Country Club Estates (Club) indicating the Club's willingness to accept any additional treated wastewater effluent generated by the proposed project.
3. Per the terms of the Engineering Reimbursement Agreement (ERA), the Applicant shall design, construct, and install a gravity wastewater collector line extension (including all necessary system improvements) and manholes from the nearest existing point of connection adequate to provide wastewater service to the proposed project.
4. All work performed by the County of San Luis Obispo Department of Public Works (County), Utilities Division staff, for the subject project shall be billed to and reimbursed by the Applicant. A minimum balance of \$2,000.00 must be maintained at all times during which the Agreement is in effect through and in accordance with the ERA for this project, executed on May 7, 2021.

5. The Applicant shall employ a Registered Civil Engineer (RCE) of work to design the gravity wastewater collector line, manholes and associated appurtenances, and provide inspection during the course of construction to certify to the Director of Public Works (Director) that the improvements were installed in accordance with the improvement plans, and to submit as-built plans to the Director. If the engineer of work is other than the designing engineer, or is replaced during the course of construction, the Director shall be notified in writing; and each such engineer of work shall certify as to their respective involvement. The Director, or designated representative, may make such additional inspection as is deemed necessary and shall be available to review field conditions and/or proposed changes with the engineer of work. The Director at his sole discretion may elect to provide a design to the Applicant for the subject improvements. In that event, Applicant shall reimburse County the actual costs of design which will be invoiced along with inspection costs.
6. The proposed project will require connection to the existing CSA 18 wastewater collection system. Prior to construction, the applicant will either enter into a Pipeline Extension Performance Agreement and submit a cash deposit, certified deposit, check or bond or the sewer extension must be part of the cost estimate for the improvement bond held by the Department of Public Works. Construction of the proposed project will be at the Applicant's responsibility and expense. Construction of all facilities shall be in accordance with County Standards and Specifications, CSA 18 regulations and the Club's Association Rules and Regulations.
7. All work within the public right of way will require an Encroachment Permit from the Director, as described in the attached "General Conditions for Additions to District Facilities." Any work in areas maintained by the Club must be approved by the Estates Homeowners Association.
8. The Applicant shall comply with all processing and approvals in accordance with the California Environmental Quality Act (CEQA).
9. Prior to provision of wastewater service to the project described above, Applicant shall pay to CSA 18 District all remaining applicable CSA 18 connections fees, new service-related fees established by ordinance and/or as described in the ERA prior to the completion date of the service connections for the proposed lots. Connection fees (system buy-in) are estimated to cost \$15,632 or \$3,908 per dwelling unit equivalent.
10. In accordance with the terms and conditions of County Ordinance No. 2317, executed by the San Luis Obispo County Board of Supervisors on July 28, 1987, the Applicant and/or all future owners of the proposed project and/or residences constructed as part of the proposed project are prohibited from installing self-regenerating water softeners.

The above CSA 18 conditions shall be effective until December 31, 2025, or until some unforeseen event might occur making this presently, intended service unusually difficult, or impossible, to provide.

If you have any questions regarding this letter, please feel free to call me at (805) 781-5135.

Sincerely,

LAURA HOLDER
Utilities Division Program Manager II

Attachments: Attachment No. 1 - Engineering Reimbursement Agreement
Attachment No. 2 - General Conditions for Additions to District Facilities

c: Nola Engelskirger, Utilities Division Manager, nengelskirger@co.slo.ca.us
John Austin, Engineer IV, jaustin@co.slo.ca.us
David Grim, Development Services Division Manager, dgrim@co.slo.ca.us
County Planning and Building Department, planning@co.slo.ca.us
Erik Rutherford, Wallace Group, ErikR@wallacegroup.us
Brad Brechwald, Wallace Group, BradB@wallacegroup.us

File: CF: 320.550.09

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San Luis Obispo County

**Utilities Division
ENGINEERING REIMBURSEMENT AGREEMENT**

This Agreement is entered into on this 7
2 day of May ~~April~~ 2021 by and between Charles Braff (hereinafter referred to as "Applicant") and the County of San Luis Obispo on behalf of County Service Area No. 18 (hereinafter referred to as "CSA").

WITNESSETH

WHEREAS, Applicant has requested annexation to County Service Area No. 18 in order to obtain wastewater service for the planned subdivision of one (1) parcel into four (4) parcels and one (1) remainder parcel shown on tentative map number CO 2018-0029 (APN 044-082-035) (hereinafter referred to as "Property"). Said annexation request, along with Applicant's planned subdivision of one (1) parcel into four (4) parcels and one (1) remainder parcel shown on tentative map number CO 2018-0029 and the Applicant's construction of or improvement of any and all wastewater facilities and infrastructure related to providing wastewater service thereto shall hereinafter be collectively referred to as "Project"; and

WHEREAS, the County Board of Supervisors of San Luis Obispo County authorized the Director of Public Works to execute and enter into Engineering Reimbursement Agreements on April 7, 2015 per Resolution No. 2015-82; and

WHEREAS, the purpose of this Agreement is to set forth the terms and conditions under which Applicant will reimburse CSA for all staff time, outside consultant time, and any and all other costs relating to CSA's review, analysis, recommendations, comments, critiques, inspection, consultations, meetings, or other related work in connection with the Project that is deemed necessary by the Director of Public Works for proper review and analysis of the Project, including, but not limited to the items described herein below in Sections A, B, and C.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises and agreements herein set forth, Applicant and CSA mutually covenant and agree as follows:

A. TYPE OF ACTIVITIES ELIGIBLE FOR REIMBURSEMENT

Applicant will provide reimbursement to CSA for any and all expenses incurred by CSA related to its review, analysis, recommendations, comments and critique in connection with any and all staff work efforts, analyses, inspection, consultations, meetings or other related work deemed necessary by the Director of Public Works for review and engineering analysis relating to the Project, including but not limited to, the following items: 1) proposed Project configuration including conceptual layout of proposed sewer mains, any and all associated appurtenances and point of connection to the existing CSA 18 system; 2) proposed changes to the existing CSA 18 sewer collection system necessary to accommodate flows generated by the proposed development; 3) conceptual analysis of the existing wastewater plant along with any and all improvements required to adequately expand the plant's capacity while taking into account the CSA's existing obligations for provision of service to those properties within the CSA boundaries prior to calculating the impacts associated with the proposed development; 4) a preliminary cost estimate for any improvements contemplated as described herewith or as determined by the Director of Public Works; 5) Applicant's construction of any and all improvements as identified and approved by the Director of Public Works, including, but not limited to, improvements to the CSA 18 wastewater treatment facility, Applicant's On-Site (on the Property) improvements and all Off-Site (off the Property) improvements; and 6) the drafting and processing of any agreements relating to the annexation process and agreements relating to the application, extension or construction of any sewer pipelines or facilities. All construction work, design work and plan and construction submittals and inspections will be conducted by qualified firm(s) hired and paid for by Applicant. Additionally, all work products developed herein including those identified above shall be subject to both County review and peer review by an independent engineering consulting firm hired by the County and paid for by the Applicant.

B. OBLIGATIONS

1. Applicant shall submit to CSA and maintain a deposit account in the amount \$2,000.00. Applicant shall maintain a minimum balance of \$2,000.00 in this account at all times during which this Agreement is in effect. CSA will provide a monthly invoice to Applicant for costs incurred by CSA which amount shall become due and payable within fifteen (15) days. If Applicant fails to make the requisite payment within thirty (30) days of CSA's invoice, CSA, in its sole discretion, may terminate this Agreement, impose a late fee equal to one half of one percent per month of the outstanding balance and/or utilize the deposit to reimburse CSA for work performed in accordance with the provisions of this Agreement. Upon termination or completion of the work performed in accordance with the provisions of this Agreement, the CSA will return any remaining portion of the deposit to Applicant.

2. For all services rendered by CSA personnel, Applicant shall be charged and pay CSA the actual cost.
3. Applicant shall defend, indemnify and save harmless CSA, its officers, agents and employees from any and all claims, demands, costs, expenses, or liability occasioned by the performance or attempted performance of the provisions hereof, or in any way arising out of this Agreement, including, but not limited to, inverse condemnation, equitable relief, or any wrongful act or any negligent act or omission to act on the part of Applicant or of its agents, employees, or independent contractors directly responsible to Applicant, providing further that the foregoing shall apply to any wrongful acts, or any actively or passively negligent acts or omissions to act, committed jointly or concurrently by Applicant, Applicant's agents, employees, or other representatives. Nothing contained in the foregoing indemnity provisions shall be construed to require Applicant to indemnify CSA against any responsibility or liability in contravention of Section 2782 of the Civil Code.
4. Applicant shall be responsible for acquiring any property access and landowner permission needed to accomplish any work related to the Project.

C. GENERAL TERMS

1. Applicant's obligation to reimburse CSA is not contingent or in any way dependent on any approval by CSA, the County or any other regulatory body required in connection with the Project. Any approval of the engineering study and/or the independent peer review of the proposed Project configuration including conceptual layout of proposed sewer mains, any and all associated appurtenances and point of connection to the existing CSA 18 system pursuant to this Agreement shall not be deemed an approval of the Project as a whole.
2. Unless otherwise provided, all notices herein required shall be in writing and delivered in person or sent by United States first class mail, postage prepaid. Notices required to be given to CSA shall be addressed as follows: Director of Public Works, County of San Luis Obispo, 1050 Monterey Street, Room 206, San Luis Obispo, California 93408. Notices required to be given to Applicant shall be sent to Applicant's billing address as set forth below. Any party may change such address by notice in writing to the other party and thereafter notices shall be addressed and transmitted to the new address.
3. It is understood and agreed by and between the Parties, hereto, that this Agreement shall bind the heirs, executors, administrators, successors and assigns of the respective Parties to this Agreement.
4. This Agreement will remain in effect until the engineering study, the independent peer review and/or the proposed Project configuration, including conceptual layout of proposed sewer mains, any and all associated appurtenances and point of connection to the existing CSA 18 system as detailed herein, as well as the construction described in Paragraph A hereinabove of any and all improvements as identified and approved by the Director of Public Works, is determined to be complete by the director of Public Works.

Said determination shall include review for completion of the terms and conditions established of certain other as yet to be executed documents including but not limited to: Public Works Annexation Application, Public Works Annexation Agreement, Pipeline Extension Performance Agreement, and General Conditions for Additions to District Facilities (sample copies attached as exhibits to this Agreement). Applicant retains the right to terminate Project and this Agreement at any time, effective upon Applicant reimbursing CSA in full for any and all reimbursable costs incurred by CSA, subject to the terms and conditions described herein and in the aforementioned exhibits attached hereto. Notwithstanding the foregoing, the CSA retains the right to terminate this Agreement at any time effective immediately upon notice to Applicant.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

IN WITNESS WHEREOF, CSA and Applicant have executed this Agreement on the day and year first hereinabove set forth.

COUNTY, ON BEHALF OF CSA 18

By: _____
Director of Public Works
County of San Luis Obispo

Dated: 5/7/21

APPLICANT

By: _____
Charles Braff
835 Aerovista Place, Suite 220
San Luis Obispo, Ca 93401

Its: Agent

Dated: April 2, 2021

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: Daniel Johnson
Deputy County Counsel

Dated: 3/19/21

Exhibits

- A. Letter of Intent to Annex to CSA 18 for Sewer Service
- B. Draft Annexation Application
- C. Draft Annexation Agreement
- D. Draft Pipeline Extension Performance Agreement
- E. Draft General Conditions for Additions to District Facilities

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Attachment E

County Notice of Final Action Letter for Parcel Map
SUB2018-00015



June 12, 2020

ASHLEY & VANE ENGINEERING
1413 MONTEREY ST
SAN LUIS OBISPO CA 9301

SUBJECT: Notice of Final County Action, Parcel Map SUB2018-00015

Dear Sir/Madam,

On **June 01, 2020**, the above-referenced application was approved by the **Subdivision Review Board** based on the approved Findings, and subject to the approved Conditions, which are both enclosed for your records.

If you disagree with this action, pursuant to (County Real Property Ordinance Section 21.04.020 / County Land Use Ordinance Section 22.70.050 / County Coastal Zone Land Use Ordinance (CZLUO) Section 23.01.042), and in the manner described therein, you have the right to appeal this decision, or a portion of this decision, to the Board of Supervisors within 14 calendar days after the date of the action.

The appeal must be submitted on the proper Department of Planning and Building appeal form, as provided on the County website, to the Clerk of the Board of Supervisors with a copy filed with the Department of Planning and Building. The original appeal form filed with the Clerk of the Board of Supervisors must be submitted with an original signature; a facsimile will not be accepted. The appeal fee is set by the current fee schedule and must accompany the copy of the appeal form filed with the Department of Planning and Building for your appeal to be accepted for processing.

If you have any questions regarding your project, please contact **Stephanie Fuhs** at 805-781-5721.

Sincerely,

Daniela Chavez

Daniela Chavez, Secretary
County of San Luis Obispo
Department of Planning & Building

CC: CHUCK BRAFF
835 AEROVISTA
SAN LUIS OBISPO CA 93401

BRAFF (SUB2018-00015/CO18-0029)
EXHIBIT A - FINDINGS

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on February 13, 2020 for this project. Mitigation measures are proposed to address Aesthetics, Air Quality, Biological Resources, Cultural Resources, Public Services, Recreation and Transportation and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Suburban land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of primary residences, accessory dwelling units and residential accessory structures allowed in the Residential Suburban land use category.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support primary residences, accessory dwelling units and residential accessory structures allowed in the Residential Suburban land use category.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the subdivision has been conditioned to provide a 50-foot setback from the edge of riparian vegetation on the site and conduct a nesting bird survey if any construction will occur during the nesting season.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Road Improvements

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

Road Abandonment

- K. The elimination of a portion of the Windmill Way easement that was recorded on Parcel Map CO 94-095 as shown on the tentative map would not eliminate, delay or unreasonably interfere with the opportunity to develop the proposed lots within this proposed parcel map and would not preclude development of the properties in the immediate neighborhood because the proposed easement provides a preferable alignment for future extension of Windmill Way to the parcels to the north and south of the project site. These future road connections will provide an alternative access between Crestmont Drive and Los Ranchos Road rather than using Highway 227.

- L. The elimination a portion of the Windmill Way easement would not eliminate, delay interest in, or conflict with other elements of the County General Plan because the portion of the easement being abandoned for road purposes is being shifted to another portion of the subdivision that provides a preferable alignment for future access between Crestmont Drive and Windmill Way. This realignment is consistent with the goals, objectives and policies of the other elements of the General Plan.

- M. The elimination of a portion of the Windmill Way easement will not conflict with the applicable sections of the General Plan because the residential properties will continue to have safe access to their properties and the County and State's maintained road system.

BRAFF (SUB2018-00015/CO18-0029)
EXHIBIT A - FINDINGS

Approved Project

1. A Tentative Parcel Map (CO 18-0029) to subdivide an existing 7.13-acre parcel into four parcels ranging in size from 1.2 to 1.6 acres each with a 1.2-acre remainder parcel.
2. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from the date a time extension request may be acted on.
3. This approval is valid for 24 months from the date of approval by the Review Authority. Up to six (6) one-year time extensions can be granted. These one-year extensions must be requested, one year at a time, **prior to the expiration date of the map**. Per the State Subdivision Map Act, Government Code section 66463.5, if a map expires, no further action can be taken by the County unless a new map is applied for and approved. It is the applicant's responsibility to track expiration dates.

Access and Improvements

4. Roads and/or streets to be constructed to the following standards, unless design exceptions are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. Windmill Way shall be constructed to a complete A-1a rural road section within the existing 60-foot (or proposed 50-foot) offer of dedication for road easement purposes through the entire project site, and northerly through the adjacent property (Parcel 3 of 1/PM/96, APN 044-082-033) to connect back to the County maintained segment. Windmill Way shall terminate at the southerly project boundary in a Cal Fire standard cul-de-sac, hammer head or other approved terminus with additional easement width as necessary to contain all elements of the roadway terminus improvements. The terminus shall allow for future connection to Crestmont Drive.

OR

 - b. Windmill Way shall be constructed to a complete A-1a rural road section within the existing 60-foot (or proposed 50-foot) offer of dedication for road easement purposes through the entire project site, and southerly through the adjacent property (Parcel 1 of 52/PM/17, APN 044-082-034) to connect back to the County maintained segment or to the northerly terminus of the road improvements constructed for Parcel Map CO 16-0126 (tentative map application currently in progress). Windmill Way shall terminate at the northerly project boundary in a Cal Fire standard cul-de-sac, hammer head or other approved terminus with additional easement width as necessary to contain all elements of the roadway terminus improvements. The southerly terminus shall allow for future connection to Hacienda Avenue.
 - c. If private access rights for the shared access driveway easement on Parcel 3 of 1/PM/96 to State Route 227 as shown on the tentative map, is to remain for use by the Parcels within the subdivision, the existing State Route 227 shared access driveway entrance over Parcel 3 of 1/PM/96, as shown on the tentative map, must be improved to state driveway standards under a separate encroachment permit issued by Caltrans. Upon commencement of State Route 227 at Los Ranchos Road intersection improvements, the driveway will be restricted to right-in and right-out turning movements.

- d. All roadway grading shall be done in accordance with Title 19 and the California Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
5. The applicant shall enter into an agreement and post a deposit with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative.
6. The applicant shall provide the county with an Engineer of Work Agreement retaining a registered civil engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works. The civil engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans.

Offers, Easements and Restrictions

7. The applicant shall offer for dedication to the public the following easements by certificate on the map or by separate document:
 - a. For public road easement purposes, the applicant shall acquire an offer of dedication for a 50-foot minimum right-of-way for any proposed re-alignment located across Parcel 1 or Parcel 3 of 1/PM/96.
 - b. For public road easement purposes, a 50-foot minimum right-of-way with a 6-foot public utility easement along both sides, for any re-alignment plus additional width as necessary to contain the roadway terminus. Windmill Way may be accepted for future County maintenance following completion and certification of the improvements and future connection to Los Ranchos Road.
 - c. Additional utility easements as required by the utility companies serving the subdivision, shall be shown on the final map.
 - d. Public Drainage easement(s) as necessary to contain both existing and proposed drainage improvements where those improvements accept storm water from a public road.
8. The applicant shall reserve the following private easements by certificate on the map or by separate document:
 - a. Private drainage easement(s) as necessary to contain both existing and proposed drainage and stormwater improvements as needed for the public road improvements.
9. The applicant shall show the following restrictions by certificate on the map or record by separate document:
 - a. Except where permitted via a Caltrans encroachment permit, access shall be denied to all new parcels fronting State Route 227 and this shall be by certificate and designation on the map.
 - b. If drainage basins are required then the basin areas shall be indicated as a building restriction on the map.
10. If a drainage basin is required, the drainage basin along with rights of ingress and egress shall be reserved as a drainage easement in favor of the owners and assigns.

Improvement Plans

11. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plans are to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Utility plan.
 1. Water plan to be approved jointly with County Environmental Health. Water facilities and appurtenances shall be constructed and service laterals stubbed to each new parcel.
 2. Sewer plan to be approved jointly with County Environmental Health. Sewer facilities and appurtenances shall be constructed and service laterals stubbed to each new parcel
 3. New electric power, telephone and cable television service conduits and appurtenances shall be constructed underground and service conduits stubbed to each new parcel.
 4. New gas distribution mains and appurtenances shall be installed along the entire project frontage(s) and gas service laterals stubbed to each new parcel.
 5. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary shall be relocated underground [Section 21.03.010(8)] and the poles removed.
 - d. Sedimentation and erosion control plan for subdivision related improvements.
 - e. Stormwater control plan for subdivision related improvements.
 - f. Traffic control plan for construction in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD).
 - g. Public utility plan, showing all existing utilities and installation of all new utilities to serve each lot.
 - h. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
 - i. All grading shall be done in accordance with the County Public Improvement Standards and the California Uniform Building Code. Lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.
 - j. If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
 1. Submit a copy of all such permits to the Department of Public Works OR
 2. Document that the regulatory agencies have determined that said permit is not required.

Drainage

12. Submit complete drainage calculations to the Department of Public Works for review and approval. If calculations so indicate, drainage must be retained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be

approved by the Department of Public Works, in accordance with county standards. The basin/s is/are to be maintained in perpetuity.

13. **At the time of application for subdivision improvement plans and/or construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
14. All project related drainage shall be designed and constructed in accordance with the recommendations of the San Luis Creek Watershed Drainage Design Manual.

CSA 18

15. **Prior to application for construction permits**, the applicant shall obtain a conditional intent to serve water letter from CSA 18 and must enter into a reimbursement agreement. Additional documents specific to the project may include resolution of application, Public Works Annexation Agreement, Pipeline Extension Performance Agreement, and General Conditions for Additions to District Facilities.

Stormwater Pollution Prevention Plan (SWPPP)

16. **At the time of application for subdivision improvement plans and/or construction permits**, if the project disturbs more than 1.0 acre or is part of a common plan of development, the applicant must enroll for coverage under California's Construction General Permit. Sites that disturb less than 1.0 acre must implement all required elements within the site's erosion and sediment control plan as required by San Luis Obispo County Codes.

Stormwater Control Plan (SWCP)

17. **At the time of application for subdivision improvement plans and/or construction permits**, the applicant shall demonstrate whether the project is subject post-construction stormwater requirements by submitting a Stormwater Control Plan application or Stormwater Post Construction Requirements (PCRs) Waiver Request Form.
 - a. The applicant must submit a SWCP for all regulated projects subject to Performance Requirement #2 and above. The SWCP must be prepared by an appropriately licensed professional and submitted to the County for review and approval. Applicants must utilize the County's latest SWCP template.
 - b. If post-construction stormwater control measures (SCMs) are proposed, the applicant must submit a draft Stormwater Operations and Maintenance Plan for review by the County. The plan must consist of the following Planning & Building Department forms;
 1. Structural Control Measure Description (Exhibit B)
 2. Stormwater System Contact Information
 3. Stormwater System Plans and Manuals
 - c. If applicable, following approval by the County, the applicant shall record with the County Clerk-Recorder the Stormwater Operation and Maintenance Plan and an agreement or provisions in the CC&Rs for the purpose of documenting on-going and permanent storm drainage control, management, treatment, inspection and reporting.
18. **Prior to acceptance of the improvements (if applicable)**, the Stormwater Operations and Maintenance Plan and General Notice must be updated to reflect as-built changes, approved by the county, and re-recorded with the County Clerk-Recorder as amendments to the original document.

Fire Protection

19. The applicant shall obtain a fire safety clearance letter from the County Fire/CalFire establishing fire safety requirements **prior to filing the final parcel map**.

Fees

20. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels shown on the map that do not already have legal residential units on them.
21. Subsequent residential development is subject to the inclusionary housing fee pursuant to Section 22.12.080.C.3.a and D.2. As an alternative, **prior to filing the final parcel map or tract map**, the applicant may enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080.
22. **Prior to recordation of the final map**, the project is located within the City of San Luis Obispo Sphere of Influence per Memorandum of Agreement approved by the Board on October 18, 2005. The applicant shall submit evidence to the County that all City impact fees applicable to this project have been paid, or that none are required.
23. **Prior to map recordation**, the applicant shall:
 - a. Enter into a State Route 227 Corridor Traffic Mitigation Fee agreement with the Department of Public Works per Board Resolution 2017-266, in a form acceptable to County Counsel, for payment of their fair share participation in the costs for planning, design, and/or construction of five intersection improvements (SR227 at Farmhouse Lane; at Kendall Drive; at Buckley Road; at Crestmont Drive; and at Los Ranchos Road) as identified in the SLOCOG adopted State Route 227 Corridor Study (2016). The actual fee shall be paid prior to issuance of building permits and based on the afternoon peak hour trip (pht) generated by the project as determined by the applicant's civil or traffic engineer; **or**
 - b. The applicant must enter into a similar circulation or mitigation fee program adopted by the Board of Supervisors, the City of San Luis Obispo, Caltrans or SLOCOG (or any joint program) that is substantially equivalent to the State Route 227 Corridor Traffic Mitigation Fee agreement as approved by the County; **or**
 - c. The applicant must construct operational improvements consistent with the State Route 227 Corridor Traffic Mitigation Fee agreement to an extent preapproved by the County and Caltrans. If the cost of improvements is anticipated to exceed the applicant's fair-share fee contribution they may request, prior to construction, a reimbursement agreement with the County as allowed under the applicable County Code 13.01.040 or 13.20 for reimbursement in excess of the applicant's fair share participation.

Easements

24. **Prior to recordation of the final parcel or tract map**, the property owner shall grant an avigation easement to the County of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel. Based on the encumbrances identified in the preliminary title report submitted to the County, additional

documents, including, without limitation, a Consent of Lienholder or Consent of Lessee, may be required in connection with the avigation easement. The avigation easement document shall be reviewed and approved by County Counsel **prior to filing of the final parcel map.**

Airport Review Area

25. For properties within the Airport Review Area, note that the property owner shall submit future construction plans to the Air Traffic Division of the FAA regional office having jurisdiction over San Luis Obispo County to determine compliance with the provisions of FAR Part 77. Applicable construction activities must be reported via FAA Form 7460-1 at least 45 days before proposed construction or application for a building permit.

Mitigations

Air Quality

26. Projects with grading areas that are less than 4-acres and that are not within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to significantly reduce fugitive dust emissions, to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and minimize nuisance impacts. **During construction/ground disturbing activities,** the applicant shall implement the following particulate (dust) control measures. **These measures shall be shown on the subdivision improvement, grading and building plans:**

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions:

<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>

- c. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
- f. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below

the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition ((805) 781-5912).

27. **At the time of application for construction permits, the following shall be added to the construction plans:** Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at (805) 781-5912.
28. Naturally occurring asbestos (NOA) has been identified by the California Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain NOA. The APCD has identified areas throughout the county where NOA may be present ([NOA Map](#)). The following requirements apply because the project site is in a candidate area for NOA. The applicant shall ensure that a geologic evaluation is conducted to determine if the area disturbed is or is not exempt from the CARB Asbestos Air Toxics Control Measure (Asbestos ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (17 CCR 93105) regulation.
 - a. If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD; or
 - b. If the site is exempt, an [exemption request](#) must be filed with the APCD.

Biological Resources

- 29.. **At the time of application for subdivision improvement plans and/or construction permits,** the applicant shall show all development located a minimum of 50-feet from riparian vegetation.
30. **Prior to any site disturbance,** the applicant shall provide construction fencing at the edge of the riparian vegetation on the project site, where construction activities will be within 200 feet. This area will be marked by orange construction fencing which shall be installed prior to any site disturbance and remain in place throughout the grading and construction phases.
31. The applicant shall avoid removal of vegetation or any other ground disturbance between February 1st and September 1st to avoid impacts to native breeding and nesting birds. If construction activities during this period cannot be avoided, a County-approved biologist shall survey all breeding and nesting habitat on the site and adjacent sites for breeding and/or nesting birds no more than two weeks **prior to construction or site disturbance activities**. Results of the surveys shall be submitted to the Department of Fish and Wildlife (CDFW) for concurrence with the report. If nesting and/or breeding birds are found, appropriate mitigation measures shall be developed in consultation with the CDFW and the applicant shall adhere to these measures during all construction activities on the site.

Cultural Resources

32. **Prior to any ground disturbing construction activities,** the applicant shall retain a County-qualified archaeologist to provide construction personnel training relative to unidentified archaeological resources. Evidence of the training will be provided to the

County Planning and Building Department, **prior to issuance of construction permits or approval of subdivision improvement plans.**

Additional Map Sheet

33. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

- a. If improvements are bonded for, all public improvements (access, drainage, and utilities) shall be completed to the satisfaction of the County prior to occupancy of any new structure.
- b. Notification to prospective buyers that all subdivision roads and streets are to be privately maintained until accepted for maintenance by a public agency, indicating the proposed maintenance mechanism.
- c. Notification to prospective buyers that the driveway connection to State Route 227 may be restricted to future right-in and right-out turning movements only, commencing at the time of work for the State Route 227 at Los Ranchos Road intersection improvements.
- d. Notification to prospective buyers that if a drainage basin is required, that the owner(s) of Lots 1-4 are responsible for on-going maintenance of drainage basin, sedimentation control devices, fencing, and adjacent landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
- e. Notification that the owner(s) of all lots are responsible for on-going maintenance of drainage and flood control improvements including basins, pipes, manholes, inlets, headwalls, sediment control devices, fencing, landscaping, etc. in a viable condition on a continuing basis into perpetuity, and indicating the proposed maintenance mechanism. The improved areas shall be indicated as a building restriction.
- f. Notification that the owner(s) of all lots are responsible for on-going maintenance of stormwater quality improvements including basins, water quality control devices, landscaping, etc. in a viable condition on a continuing basis into perpetuity and indicating the proposed maintenance mechanism.
- g. Notification to prospective buyers that the applicant for building permits shall be responsible for paying to the Department of Public Works the State Route 227 Corridor Traffic Mitigation Fee, estimated in the agreement with CO 18-0029, on file with the Department of Public Works. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. The fee may be subject to annual adjustment and the applicant shall be responsible for paying the fee in effect at the time of issuance of building permits.
- h. The applicant shall demonstrate that the project construction plans are in conformance with the applicant's Storm Water Control Plan.
- i. The property owner shall be responsible for the operation and maintenance of public road frontage landscaping in a viable condition and on a continuing basis into perpetuity, or until specifically accepted for maintenance by a public agency.

Aesthetics

- j. **At the time of application for residential construction permits**, the applicant shall provide a lighting plan for review and approval. The lighting plan shall show low intensity lighting, shielded lighting and lighting directed downward onto the project site in accordance with Section 22.10.060 of the Land Use Ordinance.

Air Quality

- k. Projects with grading areas that are less than 4-acres and that are not within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to significantly reduce fugitive dust emissions, to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and minimize nuisance impacts. **During construction/ground disturbing activities**, the applicant shall implement the following particulate (dust) control measures. **These measures shall be shown on the grading and building plans:**

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control. Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions:

<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>

3. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
 4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
 5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
 6. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition ((805) 781-5912).
- i. **At the time of application for construction permits, the following shall be added to the construction plans:** Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at (805) 781-5912.

Biological Resources

- m. **At the time of application for construction permits**, the applicant shall show all development located a minimum of 50-feet from riparian vegetation.
- n. **Prior to any site disturbance**, the applicant shall provide construction fencing at the edge of the riparian vegetation on the project site where construction activities will be within 200 feet. This area will be marked by orange construction fencing which shall be installed prior to any site disturbance and remain in place throughout the grading and construction phases.
- o. The applicant shall avoid removal of vegetation or any other ground disturbance between February 1st and September 1st to avoid impacts to native breeding and nesting birds. If construction activities during this period cannot be avoided, a County-approved biologist shall survey all breeding and nesting habitat on the site and adjacent sites for breeding and/or nesting birds no more than two weeks **prior to construction or site disturbance activities**. Results of the surveys shall be submitted to the Department of Fish and Wildlife (CDFW) for concurrence with the report. If nesting and/or breeding birds are found, appropriate mitigation measures shall be developed in consultation with the CDFW and the applicant shall adhere to these measures during all construction activities on the site.

Cultural Resources

- p. **Prior to any ground disturbing construction activities**, the applicant shall retain a County-qualified archaeologist to provide construction personnel training relative to unidentified archaeological resources. Evidence of the training will be provided to the County Planning and Building Department, **prior to issuance of construction permits**.

Airport Review

- q. For properties within the Airport Review Area, note that the property owner shall submit future construction plans to the Air Traffic Division of the FAA regional office having jurisdiction over San Luis Obispo County to determine compliance with the provisions of FAR Part 77. Applicable construction activities must be reported via FAA Form 7460-1 at least 45 days before proposed construction or application for a building permit.

Miscellaneous

- 34. The project shall comply with the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
- 35. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 36. All lots must be numbered in sequence.

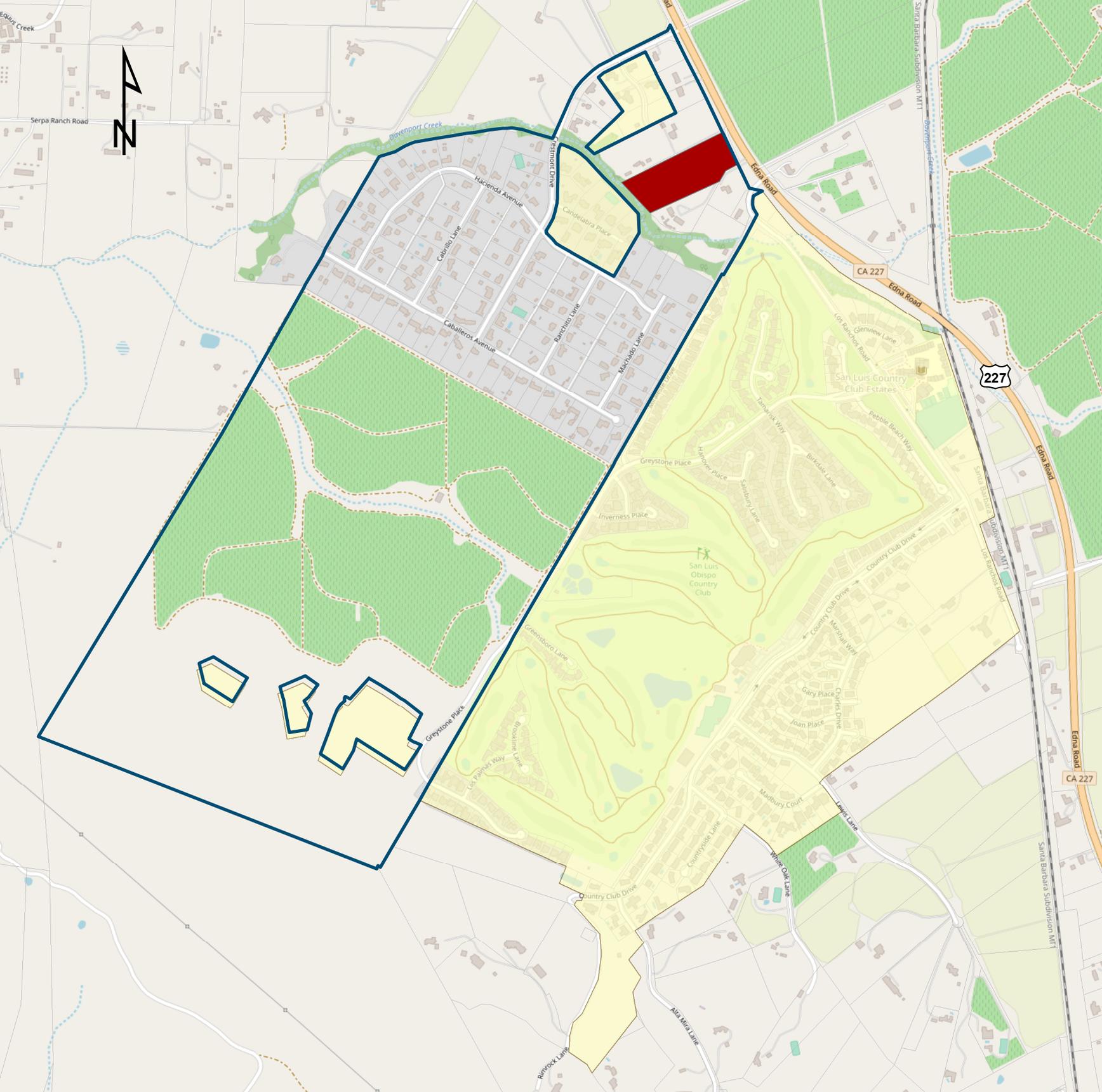
STANDARD CONDITIONS OF APPROVAL FOR
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.
12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.

15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

Attachment F

Vicinity Maps

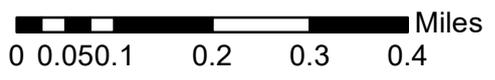


LAFCO File No. 1-R-22 | Anx#12 to CSA 18

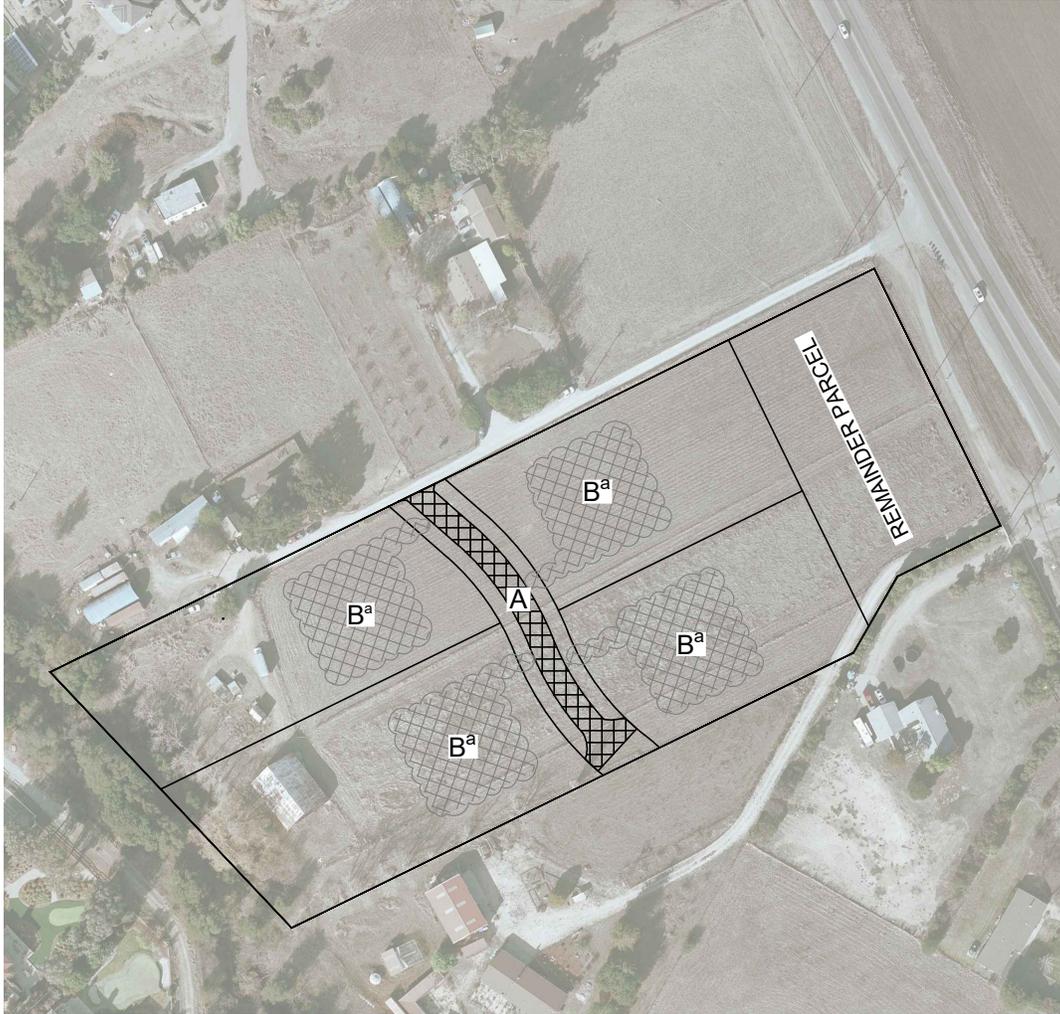
-  Sphere of Influence
-  Service Area
-  Affected Territory

APN in Affected Territory: 044-082-035

Acres: 7.13

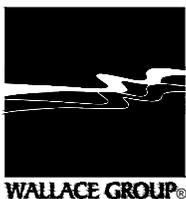


Prepared By SLOLAFCO
 Name: 1-R-22
 Date: 3/10/2022
B-2-56



CONVERSION AREAS		
A	ROAD	9,838 FT ²
B	FUTURE HARDSCAPE (4 LOTS x 14,000 FT ² EACH) ^a	56,000 FT ²
TOTAL CONVERSION AREA		65,838 FT ²

^aTHE LIMITS OF FUTURE HARDSCAPE SHOWN ON THIS EXHIBIT ARE FOR REPRESENTATIVE PURPOSES ONLY; FUTURE HARDSCAPE DEVELOPMENT WILL NOT BE RESTRICTED TO THESE BOUNDARIES.



612 CLARION COURT
 SAN LUIS OBISPO, CA 93401
 T 805 544-4011
 F 805 544-4294
 www.wallacegroup.us

CO PM18-0029
CSA-18 ANNEXATION

AG LAND CONVERSION EXHIBIT

JOB No. :	1185-0005
DRAWING :	EXHIBIT
DRAWN BY :	ESR
DATE :	2022-05-05
SCALE :	NOT TO SCALE

Attachment G

Public Comment

From: transcription@astound.net
To: imarquez@slolafco.com
Subject: Fwd: Voice message from SLOLAFCO (8057815794) to 8057815795
Date: Tuesday, May 3, 2022 10:31:18 AM
Attachments: [050322-092739-8057815795-19339-1.wav](#)



Fwd: Voice message from SLOLAFCO (8057815794) to 8057815795 (101 second msg)

Message

" My name is Jaleah Brynn J A L E A H B R Y N N and I live at 5235 Windmill Way San Luis Obispo my phone number's 805-***-****. I'm commenting on the public hearing regarding the extension of Windmill way. My concern is that additional traffic. We'll see this extension as a way of avoiding the intersection of Crestmont, and 227, which is a really difficult and we really don't want to constant full of traffic. However, they managed to exit if they new and of Windmill way. As I said, I do own property in addition to this and 5280 Windmill Way which is also impacted so I would like to see some kind of signage that indicates that is not intended for a thorough fare. We currently have a dead end sign, but of course, it won't be a dead end when if when and if these changes are made again, my name is Jaleah Brynn and I own and live at 52351 Windmill Way would appreciate some consideration on this matter. Thank you. Good bye."

Click on the following link to log into your account: <https://mv.digitalwest.com>